

REMARKS/ARGUMENTS

Claims 29-42 are pending. Claims 29 and 37 have been amended. No new matter has been introduced. Applicants believe the claims comply with 35 U.S.C. § 112.

Applicants note with appreciation the allowance of claims 33-36 and 40-42.

Claims 29-32 and 37-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maeda et al. (US 5,774,222) in view of Hill (US 6,091,496).

Applicants respectfully submit that independent claim 29 as amended is patentable over Maeda et al. and Hill because, for instance, they do not teach or suggest detecting an image of the sample by capturing with a detector light from the sample illuminated by the illumination light and passed through a polarizer; wherein detecting the light from the sample includes reducing an amplitude of the light from the sample by passing the light through the polarizer.

The Examiner recognizes that Maeda et al. does not disclose reducing an amplitude of the light, and cites Hill for allegedly providing the missing teaching. Both Maeda et al. and Hill, however, fail to disclose or suggest passing the light from the sample through a polarizer and reducing an amplitude of the light from the sample by passing the light through the polarizer.

For at least the foregoing reasons, claim 29 and claims 30-32 depending therefrom are patentable over Maeda et al. and Hill.

Applicants respectfully submit that independent claim 37 as amended is patentable over Maeda et al. and Hill because, for instance, they do not teach or suggest a detecting unit which detects an image of the sample by capturing with a detector light from the sample illuminated by the illumination light; wherein the detecting unit has a polarizer which controls an amplitude of the light from the sample by passing the light through the polarizer.

As discussed above, both Maeda et al. and Hill fail to disclose or suggest passing the light from the sample through a polarizer and reducing an amplitude of the light from the sample by passing the light through the polarizer.

For at least the foregoing reasons, claim 37 and claims 38-39 depending therefrom are patentable over Maeda et al. and Hill.

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Amdt. dated January 6, 2006
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Examining Group 2877

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

If the present amendment is not deemed to place the application in condition for allowance, Applicants respectfully request a telephone interview with the Examiner prior to the issuance of an office action.

Respectfully submitted,



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